

REMARKS

Claims 20-24 and 26-39 are pending in the application, Claims 1-19 and 25 have been canceled. Claims 20 and 21 have been amended. The amendments to the claims are fully supported in the application and no new matter has been added.

In item 1 of the Office Action the Examiner rejected Claims 20, 21 and 29-37 under 35 U.S.C. 102(b) as anticipated by Dakternieks et al., *Synthesis, structure and Reactions of [(BuSn)₁₂ O₁₄ (OH)₆]C₁₂ 2H₂O: solution studies using ¹¹⁹ Sn NMR and electrospray mass spectrometry*. J. OrgMet.Chem, 476(1994) 33-40, hereinafter "Dakternieks."

Reconsideration of this rejection is respectfully requested in view off this amendment.

The Examiner stated that Dakternieks teaches the compound [(BuSn)₁₂ O₁₄ (OH)₆]C₁₂ 2H₂O, while the instant application is directed to a chemical composition containing a tin compound according to formula I, i.e., [(R¹Sn)_l(OH)_{m-n}(OR²)_nO_o]^{p+} A^{q-}_{p/q}, with defined substituents, and as such, reads one the instant claim since these would correspond to R1 equals butyl, l equals 12, m equals 6, n equals 0, o equals 14, p equals 2, A equals Cl and q equals 1.

In response, Applicants have amended Claim 20 to make n equal 1 to 6. Support for this amendment can be found in the application as originally filed, on page 7, lines 20-21, and on page 8, lines 6-7, wherein the specification recites that "a specific structure within the [(R¹Sn)_l(OH)_{m-n}(OR²)_nO_o]^{p+} A^{q-}_{p/q} -unit is created by introduction of 1 to 20 alkoxy groups (OR²)," and the "[(R¹Sn)_l(OH)_{m-n}(OR²)_nO_o]^{p+} A^{q-}_{p/q} -unit is achieved by introduction of 1 to 20, preferably 1 to 6 alkoxy groups(OR²).. .,"

respectively.

As a result, the catalyst composition of the invention contains at least one alkoxy group, OR². Therefore, Applicant respectfully submits that Dakternieks does not contain each and every element of the claimed invention and cannot be relied upon to reject the present claims. Accordingly, Applicants respectfully request that the Examiner withdraw the Section 102 (b) rejection of Claims 20, 21 and 29-37.

Further, in item 8 of the Office Action the Examiner rejected Claims 38 and 39 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,419,936 to Tindale, hereinafter the “’936 patent,” or “Tindale.”

Reconsideration of this rejection is respectfully requested.

The Examiner stated that instant Claims 38 and 39 are directed to a composition comprising polyester and a polyester or resin composition and that Tindale teaches the composition of polyethylene terephthalate, which is a polyester for bottles and thus Tindale reads on Claims 38 and 39.

The ’936 patent is directed to packaging material which comprises a polymer which contains metal particles, which intrinsically absorb radiation in the wavelength region 500 nm to 2000 nm, in a quantity such that the reheat time of the polymer is less than the reheat time of the polymer in the absence of that quantity of particles (see Tindale at Col. 1, lines 62-68). Specifically, Tindale teaches thermoplastic polymer, e.g., polyester, containing **pure metals**, such as, antimony, tin, copper, silver, gold, arsenic, cadmium, mercury, lead, palladium and platinum or a mixtures thereof (see Tindale at Col. 2, lines 43-45) **for the absorption of radiation**.

Moreover, the Tindale reference does not teach, disclose or suggest the presently

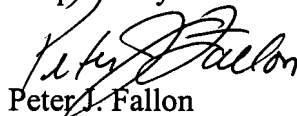
claimed composition comprising polyester for bottles, films, foils, etc. obtained by a process employing the presently claimed **organotin catalyst**.

In view of Tindale's disclosed use of metals, e.g., antimony trioxide, as catalyst for the polymerization of monomers used in the preparation of polyesters such as polyethylene terephthalate (see Col. 3, lines 27-39 and the Examples) and **not the presently claimed organotin catalyst**, Applicants respectfully request that the Examiner withdraw the Section 102 (b) rejection of dependent Claims 38 and 39.

Finally, the Examiner has rejected Claim 21 under 35 U.S.C. § 112 asserting that there exists insufficient antecedent basis for the limitation of the monovalent substituents recited for A^q. In response, Applicant would direct the Examiner's attention to presently amended Claim 20 wherein q equals 1 to 2 such that the recited substituents of dependent Claims 21 and 22 now properly have antecedent basis.

In view of the foregoing amendments and remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

Respectfully submitted,



Peter J. Fallon
Reg. No. 58,331
Attorney for Applicants

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, NY 11553
(516) 228-8484
(516) 228-8516 (fax)